

§ 5.1

12 CFR Ch. I (1–1–04 Edition)

- 5.46 Changes in permanent capital.
- 5.47 Subordinated debt as capital.
- 5.48 Voluntary liquidation.
- 5.50 Change in bank control; reporting of stock loans.
- 5.51 Changes in directors and senior executive officers.
- 5.52 Change of address.

Subpart E—Payment of Dividends

- 5.60 Authority, scope, and exceptions to rules of general applicability.
- 5.61 Definitions.
- 5.62 Date of declaration of dividend.
- 5.63 Capital limitation under 12 U.S.C. 56.
- 5.64 Earnings limitation under 12 U.S.C. 60.
- 5.65 Restrictions on undercapitalized institutions.
- 5.66 Dividends payable in property other than cash.
- 5.67 Fractional shares.

Subpart F—Federal Branches and Agencies

- 5.70 Federal branches and agencies.

AUTHORITY: 12 U.S.C. 1 *et seq.*, 24a, 24(Seventh), 93a, and 3101 *et seq.*

EFFECTIVE DATE NOTE: At 68 FR 70128, Dec. 17, 2003, the authority for part 5 was revised, effective Jan. 16, 2004. For the convenience of the user, the revised authority reads as follows:

AUTHORITY: 12 U.S.C. 1 *et seq.*, 93a; 215a–2; 215a–3; and section 5136A of the Revised Statutes (12 U.S.C. 24a).

SOURCE: 61 FR 60363, Nov. 27, 1996, unless otherwise noted.

§ 5.1 Scope.

This part establishes rules, policies and procedures of the Office of the Comptroller of the Currency (OCC) for corporate activities and transactions involving national banks. It contains information on rules of general and specific applicability, where and how to file, and requirements and policies applicable to filings. This part also establishes the corporate filing procedures for Federal branches and agencies of foreign banks.

Subpart A—Rules of General Applicability

§ 5.2 Rules of general applicability.

(a) *General.* The rules in this subpart apply to all sections in this part unless otherwise stated.

(b) *Exceptions.* The OCC may adopt materially different procedures for a particular filing, or class of filings, in exceptional circumstances or for unusual transactions, after providing notice of the change to the applicant and to any other party that the OCC determines should receive notice.

(c) *Additional information.* The “Comptroller’s Licensing Manual” (Manual) provides additional guidance, including policies, procedures, and sample forms. The Manual is available on the OCC’s Internet Web page at <http://www.occ.treas.gov>. Printed copies are available for a fee from Publications, Communications Division, Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219–0001.

(d) *Electronic filing.* The OCC may permit electronic filing for any class of filings. The Manual identifies filings that may be made electronically and describes the procedures that the OCC requires in those cases.

[61 FR 60363, Nov. 27, 1996, as amended at 68 FR 17892, Apr. 14, 2003]

§ 5.3 Definitions.

(a) *Applicant* means a person or entity that submits a notice or application to the OCC under this part.

(b) *Application* means a submission requesting OCC approval to engage in various corporate activities and transactions.

(c) *Appropriate district office* means:

(1) Bank Organization and Structure for all national bank subsidiaries of certain holding companies assigned to the Washington, DC, licensing unit;

(2) The appropriate OCC district office for all national bank subsidiaries of certain holding companies assigned to a district office licensing unit;

(3) The OCC’s district office where the national bank’s supervisory office is located for all other banks; or

(4) The OCC’s International Banking and Finance Department for federal branches and agencies of foreign banks.

(d) *Capital and surplus* means:

(1) A bank’s Tier 1 and Tier 2 capital calculated under the OCC’s risk-based capital standards set forth in Appendix A to 12 CFR part 3 as reported in the bank’s Consolidated Report of Condition and Income filed under 12 U.S.C. 161; plus